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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,270	09/18/2003	Hsi-Yuan Hsu	ALIP0034USA	2269
27765	7590	04/11/2006	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			DANIELSEN, NATHAN ANDREW	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,270	Applicant(s) HSU ET AL.	
	Examiner Nathan Danielsen	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-7 are pending.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings are objected to because "Optical storing servo module" 66 in figure 3 should be relabeled --Optical reading servo module-- in order to be consistent with the specification. Additionally, the second line extending from the optical storing servo module 66 to the pickup head 50 does not have an arrowhead indicating the data/signal direction. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claim Objections

4. Claim 2 is objected to because the signal received from a microphone is generally an analog signal that needs to be converted to a digital signal. Therefore, the "digital-to-analog converter (DAC)" in claim 2 should be an --analog-to-digital converter (ADC)--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori et al (US Patent 5,408,478, hereinafter Ohmori), in view of Eagan (US Patent 5,837,912).

Regarding claim 1, Ohmori discloses a recording apparatus comprising:

a signal module (recording encoder 27) for providing corresponding sound data

according to the audio signal (output of recording encoder 27); and

an optical recording module (optical head 30, in combination with magnetic head 29 and

magnetic head drive 28) for writing the data optically onto optical storage media,

wherein the optical recording module is only for writing the sound data optically

onto the optical storage media (inherent as recording power and pulse

generation units are not used for reading data).

However, Ohmori fails to disclose where the recording apparatus comprises a microphone.

In the same field of endeavor, Eagan discloses:

a microphone (MIC - 2nd Instrument 41 in figure 6) for receiving sound waves and

generating a corresponding audio signal (inherent operation of a microphone).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a microphone in a recording apparatus, as taught by Eagan, for the purpose of providing an improved apparatus and method for recording long lasting, high quality, noise-free musical sounds in a digital format from a hand-held, portable musical instrument such as for electric, acoustic and classical guitars (col. 2, lines 29-33).

Regarding claim 2, Ohmori discloses the recording apparatus of claim 1 further comprising:

a digital-to-analog converter (DAC) (ADC 22) electrically connected between the microphone and the signal module (the microphone of Eagan in claim 1 would be connected to input terminal 21), for converting the audio signal generated by the microphone into a digital audio signal, wherein the signal module provides the sound data according to the digital audio signal.

Regarding claim 3, Ohmori discloses the recording apparatus of claim 1 wherein the optical storage media is an optical disk (disk 1 in figure 6).

Regarding claim 4, Ohmori discloses the recording apparatus of claim 3 wherein the optical recording module comprises:

a motor for rotating the optical disk (motor 30M); and
a pickup head (optical head 30) for generating a corresponding laser onto the optical disk according to the sound data, in order to write the sound data onto the optical disk.

Regarding claim 5, Ohmori discloses the recording apparatus of claim 1 further comprising an optical reading module (reproduction decoder 33)) for reading data from the optical storage media and generating corresponding second sound data (output of reproduction decoder 33).

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Regarding claim 6, Ohmori discloses the recording apparatus of claim 5, wherein the signal module provides a corresponding second audio signal (output of DAC 35) according to the second sound data, and the recording apparatus further comprises:

a speaker (inherent for listening to “the analog audio signal outputted from the output terminal 37” (col. 14, lines 36-37)) for converting the second audio signal into corresponding sound waves.

Regarding claim 7, Ohmori discloses the recording apparatus of claim 6 further comprising:

a DAC (DAC 35) electrically connected between the signal module and the speaker (figure 6), for converting the second audio signal into an analog second audio signal, wherein the speaker is for converting the second audio signal into corresponding sound waves (inherent operation of a speaker).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571) 272-4248. The examiner can normally be reached on Monday-Friday, 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A.L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nathan Danielsen
04/04/2006


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER